

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (CINCINNATI)

DOMINIQUE JOHNSON,) CASE NO.: 1:21-cv-00596
)
Plaintiff,) JUDGE
)
-v-) **NOTICE OF REMOVAL**
)
BARNES GROUP INC. d/b/a BARNES)
AEROSPACE,)
)
Defendant.

Pursuant to 28 U.S.C. §§ 1331, 1332, 1441, and 1446, Defendant Barnes Group Inc. d/b/a Barnes Aerospace (“Defendant”) files this Notice of Removal to this Court of an action pending against it in the Court of Common Pleas, Butler County, Ohio. Removal is based on the following grounds:

1. On or about August 18, 2021, Plaintiff Dominique Johnson commenced an action against Defendant in the Court of Common Pleas, Butler County, Ohio (the “State Action”). That action bears the same title as the above caption and is docketed in the Court of Common Pleas, Butler County, Ohio as Case No. CV 2021 08 1190.

TIMELY REMOVAL

2. On August 23, 2021, Defendant was served with copies of the Summons and the Complaint. Copies of the Summons and Complaint served on Defendant are attached as Exhibit A.

3. Exhibit A constitutes all pleadings filed in the State Action.

4. This Notice of Removal is being filed within 30 days of service of the Summons and the Complaint on Defendant, and therefore it is timely filed pursuant to 28 U.S.C. § 1446(b).

FEDERAL QUESTION JURISDICTION

5. Defendant is entitled to remove this action to this Court under 28 U.S.C. § 1441 because this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 as certain of the claims asserted in the Complaint arise under the laws of the United States.

6. The Complaint alleges sex/gender discrimination under R.C. § 4112.02, *et seq.* (Count I); sex/gender discrimination in violation of Title VII, *et seq.* (Count II); race discrimination under R.C. § 4112, *et seq.* and Title VII (Counts III and IV); retaliatory discrimination under R.C. § 4112.02 and Title VII, *et seq.* (Count V); and wrongful termination in violation of public policy under R.C. § 4101.12, *et seq.* (Count VI).

DIVERSITY JURISDICTION

7. Plaintiff is a resident of Ohio. (Complaint ¶ 1.)

8. Defendant is a Delaware Corporation with its principal place of business located in Bristol, Connecticut.

9. Plaintiff seeks an unspecified amount of damages “in excess of \$25,000 per claim.” (See, Complaint, Demand for Relief, p. 15). Plaintiff also seeks an award of punitive damages in excess of \$25,000 and an award of attorney’s fees and costs of this action. (*Id.*)

10. Although Defendant disputes liability in this matter, Plaintiff’s damages alleged in the Complaint surpass the \$75,000.00 threshold.

11. Accordingly, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 because of the diversity of citizenship between the parties and because it is more likely than not that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

VENUE

12. Venue is proper in this district because Butler County is within this federal district.

NOTICE

13. Promptly after the filing of this Notice, Defendant will serve written notice of this removal on all parties and file a copy of this Notice of Removal with the Clerk of the Court of the Court of Common Pleas, Butler County, Ohio. A copy of the Notice of Filing Notice of Removal is attached as Exhibit B.

WHEREFORE, Defendant respectfully requests that this action be removed to this Court.

Respectfully submitted,

/s Rose Marie L. Fiore

Ellen Toth (0056176)
Rose Marie L. Fiore (0065243)
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.
Key Tower
127 Public Square, Suite 4100
Cleveland, OH 44114
Ph: 216.241.6100
Fax: 216.357.4733
Email: ellen.toth@ogletree.com
rosemarie.fiore@ogletree.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2021, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of the foregoing was also sent via email to:

Matthew G. Bruce
Evan R. McFarland
Brianna R. Carden
The Spitz Law Firm
Spectrum Office Tower
11260 Chester Road, Suite 825
Cincinnati, OH 45246
Matthew.Bruce@SpitzLawFirm.com
Evan.McFarland@SpitzLawFirm.com
Brianna.Carden@SpitzLawFirm.com

Attorneys for Plaintiff

/s Rose Marie L. Fiore
One of the Attorneys for Defendant

48569463.1